IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

\WRIT PETITION NO : 6339 of 2001

Between:

M.Muralidhar Rao, s/o. Gopal Rao,

R/o. Mancherial, Adilabad

..... PETITIONER

AND

1)Andhra Pradesh State Road Transport Corporation,

rep. by its Managing Director, RTC X Road, Hyderabad.

2)Deputy Chief Traffic Manager, Andhra Pradesh State Road Transport Corporation, Adilabad.

3)The Depot Manager, Andhra Pradesh State Road

Transport Corporation, Mancherial, Adilabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly in the nature of writ of certiorari calling for records and quach the order of the second respondent in Steno/19(81)/2000-RN-ADB dated 22.02.2001 confirming the order of the third

respondent in P3/802(3)/95-MNCL dated 27.05.1998 and consequently direct the respondent to reinstate the petitioner into service and pay all back wages and consequential benefits from 03.11.1995.

Counsel for the Petitioner: MR.V.RAVINDER RAO

Counsel for the Respondents : SMT.G.JYOTHI KIRAN

The Court made the following :

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No. 6339 of 2001

ORDER:

Heard Sri V.Ravinder Rao, learned counsel for the petitioner and Smt. G.Jyothi Kiran, learned standing counsel appearing on behalf of the respondents.

The petitioner, who has been working as Assistant Depot Clerk with the respondents-corporation, filed this Writ Petition, *inter alia,* challenging the orders dated 22.02.2001 of the second respondent and confirming the orders of the third respondent dated 27.05.1998 removing the petitioner from service, as bad, illegal and void.

After considering the submissions made and on taking into account the objection raised especially in regard to the fact that the post of the petitioner which is held by him i.e. Assistant Depot Clerk, squarely falls within the definition of 'workman' as contemplated under the provisions of the Industrial Disputes Act, the petitioner has got alternative and efficacious remedy under Section
2-A(2) of the Industrial Disputes Act. In view of the same, the very Writ Petition itself is not maintainable.

The Writ Petition is, accordingly, dismissed with a liberty to the petitioner to avail the remedy under Section 2-A(2) of the Industrial Disputes Act and approach the Labour Court, against the orders under challenge, whereupon the same shall be disposed of on merits in accordance with law. The petitioner shall approach the concerned Labour Court within a period of four weeks from today and on receipt thereof, the same shall be disposed of on merits in accordance with law after giving notice and opportunity to both the sides, within a period of six months thereafter. No costs.

(B.Prakash Rao, J.)

11.02.2005

DRK

Copy to:

1)The Managing Director, Andhra Pradesh State Road
Transport Corporation, RTC X Road, Hyderabad.

2)Deputy Chief Traffic Manager, Andhra Pradesh State Road
Transport Corporation, Adilabad.

3)The Depot Manager, Andhra Pradesh State Road

Transport Corporation, Mancherial, Adilabad

4) Two CD copies.